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Attorney for Defendant
CHARLES ELLIS

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	Case No.: 2:18-CR-00255-JAD-GWF
)	
Plaintiff,)	<u>STIPULATION: EXTENSION OF TIME</u>
)	<u>FOR FILING PRE-TRIAL MOTIONS,</u>
)	<u>RESPONSES THERETO, AND</u>
)	<u>OPTIONAL REPLIES;</u>
vs.)	<u>NOTICES OF DEFENSE</u>
)	
CHARLES ELLIS,)	[FIRST REQUEST]
)	
)	
Defendant.)	
_____)	

CERTIFICATION: This Stipulation is timely filed.

IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE ELIESON, ESQ., United States Attorney, by and through her Assistant United States Attorney, PATRICK BURNS, Esq., counsel for the United States of America; and, DONALD J. GREEN, ESQ. counsel for defendant CHARLES ELLIS (hereinafter referred to as Defendant); and respectfully STIPULATE that the parties May have up to and including the below listed dates within which to file PRE-TRIAL MOTIONS, RESPONSES THERETO, and/or OPTIONAL REPLIES and/or NOTICES OF DEFENSE.

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1 This Stipulation for an EXTENSION OF TIME is entered into for
2 the following reasons:

3 1. On August 23, 2018, defendant was arraigned on the Federal
4 Grand Jury Indictment.

5 2. The defendant pled Not Guilty.

6 3. Defendant was released from custody and remains at liberty
7 pursuant to conditions set by the U.S. Magistrate Judge.

8 4. Government and defense counsel Green have exchanged e-mail
9 transmissions regarding this case. The discovery released to date
10 includes law enforcement reports regarding a lengthy investigation
11 of the defendant headed by the Bureau of Alcohol, Tobacco, Firearms
12 and Explosives (ATF).

13 5. The United States Attorney has released to the defense a
14 Government Portable Hard Drive and a Flash drive containing material
15 which has consumed most of the available space on the defense
16 portable device onto which written discovery reports, video and
17 photographic surveillance, plus a download of defendant's I-Pad, cell
18 phone and other devices. From September 26, 2018 to September 27,
19 2018, it took 20 hours to transfer the information from the
20 Government hard drive to the defense portable device.

21 6. The defense team is now reviewing the discovery material.
22 Given the nature of this firearms investigation, it is possible that
23 there might be additional discovery released in the future.

24 7. Defense counsel still needs additional time to effectively
25 research and/or prepare PRE-TRIAL MOTIONS.

26 8. On September 17, 2018, defense counsel consulted
27 with defendant and defendant has agreed to a request for an EXTENSION
28 OF TIME WITHIN WHICH TO FILE PRE-TRIAL MOTIONS, etc.

1 9. Without this requested EXTENSION OF TIME, defense counsel
2 has not had, nor will he have, sufficient time and the opportunity
3 within which to fully review the thousands of file entries and
4 extensive discovery in this case for the purposes of researching
5 and/or preparing Pre-Trial Motions.

6 9. Given the volume of discovery, it would be unrealistic to
7 expect defense counsel to be able to effectively and thoroughly
8 research and/or prepare Pre-Trial Motions without this request for
9 an EXTENSION OF TIME WITHIN WHICH TO FILE PRE-TRIAL MOTIONS.

10 10. The Stipulation requests an EXTENSION OF TIME WITHIN WHICH
11 TO FILE PRE-TRIAL MOTIONS, RESPONSES THERETO, AND/OR OPTIONAL REPLIES
12 to the following dates:

13 **A. Opening Motions/Notices of Defense: OCTOBER 26, 2018;**

14 **B. Responses to Opening Motions: DECEMBER 7, 2018;**
15 **and/or,**

16 **C. Optional Replies: December 19, 2018.**

17 11. Additionally, denial of the request for an extension of
18 time for the filing of Pre-trial Motions/Notices of Defense and for
19 a continuance of the trial could result in a miscarriage of justice.

20 12. For all of the above-stated reasons, the ends of justice
21 would best be served by a granting this **FIRST** request for an
22 Extension of time for the filing of Pre-Trial Motions/Notices of
23 defense.

24 13. The extensions of time sought by the Stipulation are
25 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161
26 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131
27 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).
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1 14. This is the **FIRST** request for an Extension of Time for the
2 Filing of Pre-Trial Motions/Notices of Defense, Responses, and/or
3 Optional Replies, and/or Notices of Defense.

4 DATED this 1st day of October, 2018.

5 LAW OFFICES OF DONALD J. GREEN

6 BY /s/Donald Green

7 DONALD J. GREEN, ESQ.
8 4760 S. Pecos Rd. #103
9 Las Vegas, Nevada 89121
10 Attorney for defendant
11 CHARLES ELLIS

DAYLE ELIESON, ESQ.

UNITED STATES ATTORNEY

BY /s/ Patrick Burns

PATRICK BURNS, ESQ.
Assistant U.S. Attorney
501 Las Vegas Blvd., #1100
Las Vegas, NV 89101
GOVERNMENT COUNSEL

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) Case No.: 2:18-CR-00255-JAD-GWF
Plaintiff,)
vs.) FINDINGS OF FACT AND
CHARLES ELLIS,) CONCLUSIONS OF LAW &
Defendant,) ORDER

FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing therefore, the Court hereby finds:

1. On August 23, 2018, defendant was arraigned on the Federal Grand Jury Indictment.

2. The defendant pled Not Guilty.

3. Defendant was released from custody and remains at liberty pursuant to conditions set by the U.S. Magistrate Judge.

4. Government and defense counsel Green have exchanged e-mail transmissions regarding this case. The discovery released to date includes law enforcement reports regarding a lengthy investigation of the defendant headed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

5. The United States Attorney has released to the defense a Government Portable Hard Drive and a Flash drive containing material which has consumed most of the available space on the defense portable device onto which written discovery reports, video and photographic surveillance, plus a download of defendant's I-Pad, cell phone and other devices. From September 26, 2018 to September 27,

1 2018, it took 20 hours to transfer the information from the
2 Government hard drive to the defense portable device.

3 6. The defense team is now reviewing the discovery material.
4 Given the nature of this firearms investigation, it is possible that
5 there might be additional discovery released in the future.

6 7. Defense counsel still needs additional time to effectively
7 research and/or prepare PRE-TRIAL MOTIONS.

8 8. On September 17, 2018, defense counsel consulted
9 with defendant and defendant has agreed to a request for an EXTENSION
10 OF TIME WITHIN WHICH TO FILE PRE-TRIAL MOTIONS, etc.

11 9. Without this requested EXTENSION OF TIME, defense counsel
12 has not had, nor will he have, sufficient time and the opportunity
13 within which to fully review the thousands of file entries and
14 extensive discovery in this case for the purposes of researching
15 and/or preparing Pre-Trial Motions.

16 10. Given the volume of discovery, it would be unrealistic to
17 expect defense counsel to be able to effectively and thoroughly
18 research and/or prepare Pre-Trial Motions without this request for
19 an EXTENSION OF TIME.

20 11. The Stipulation requests an EXTENSION OF TIME WITHIN WHICH
21 TO FILE PRE-TRIAL MOTIONS, RESPONSES THERETO, AND/OR OPTIONAL
22 REPLIES, and/or NOTICES OF DEFENSE to the following dates:

- 23 **A. Opening Motions/Notices of Defense: OCTOBER 26, 2018;**
24 **B. Responses to Opening Motions: DECEMBER 7, 2018;**
25 **and/or,**
26 **C. Optional Replies: December 19, 2018.**

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12. Additionally, denial of the request for an extension of time for the filing of Pre-trial Motions/Notices of Defense could result in a miscarriage of justice.

13. For all of the above-stated reasons, the ends of justice would best be served by a granting this **FIRST** request for an Extension of time for the filing of Pre-Trial Motions/Notices of Defense.

14. The extensions of time sought by the Stipulation are excludable under the Speedy Trial Act, 18 U.S.C. Section 3161 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

15. This is the **FIRST** request for an Extension of Time for the Filing of Pre-Trial Motions/Notices of Defense, Responses, and/or Optional Replies.

SPEEDY TRIAL ACT CONSIDERATIONS

16. The extension of time sought by the Stipulation is excludable under the Speedy Trial Act, 18 U.S.C. Section 3161 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

STATEMENT OF EXCLUDABILITY OF SPEEDY TRIAL CONSIDERATIONS

17. The requested extension is necessary to the defense and to the government within which to be able to effectively and thoroughly research and/or prepare Pre-Trial Motions, Responses, and/or Optional Replies, and/or Notices of Defense.

1 18. The defendant is out of custody. Defense counsel has
2 informed the defendant of the necessity for the requested Extension
3 of Time.

4 19. The Court is informed by defense counsel that on September
5 17, 2018, defendant gave his consent to the present request for an
6 Extension of Time.

7 20. Additionally, denial of the request for an extension of
8 time for the filing of Pre-Trial Motions/Notices of Defense, and
9 Responses thereto and for could result in a miscarriage of justice.

10 21. For all of the above-stated reasons, the ends of justice
11 would best be served by a granting this **FIRST** request for an
12 Extension of time for the filing of Pre-Trial Motions/Notices of
13 Defense.

14 22. The denial of this request for an Extension of Time
15 would deny defendant the opportunity to have continuity of counsel,
16 taking into account the exercise of due diligence.

17 23. Additionally, denial of the requested Extension of
18 Time could result in a miscarriage of justice.

19 24. For all of the above-stated reasons, the ends of justice
20 would best be served by a granting this **FIRST** request for a
21 continuance of the trial.

22 25. The extension of time sought by the Stipulation is
23 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161
24 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131
25 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

26 26. This is the **FIRST** request for a continuance of the trial.

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CONCLUSIONS OF LAW

Denial of this request for a continuance of the trial could result in a miscarriage of justice, and the Court hereby concludes:

1. The extension of time sought herein is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(a), when considering the factors under 18 U.S.C. §§ 3161(h)(1), 3161(h)(8)(B)(I), 3161(h)(B)(iv), and 3161(h)(1)(f).

2. The ends of justice served by granting this **FIRST** request for an Extension of Time within which to file Pre-Trial Motions, Notices of Defense, Responses thereto, and/or Optional Replies and said Extension of Time outweigh the best interests of the public and the defendant in a speedy trial, because the failure to grant said Extension of Time would be likely to result in a miscarriage of justice, would deny Government and defense counsel adequate time to prepare Pre-Trial Motions/Notices of Defense, Responses thereto, and/or Optional Replies, and/or preparation for trial and/or potential pre-trial resolution, taking into account the exercise of due diligence, and would deny the defendant the opportunity to have continuity of counsel, taking into account the exercise of due diligence.

3. It would be unrealistic to expect defense counsel to be able to effectively and thoroughly research and/or prepare Pre-Trial Motions/Notices of Defense, Responses thereto, and/or Optional replies and/or potential pre-trial disposition without an Extension of Time.

4. Additionally, denial of this request could result in a miscarriage of justice.

1 6. The defendant has been informed of the necessity for
2 and has consented to this stipulation for a **FIRST** request for
3 an Extension of Time.

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ORDER

6 **IT IS ORDERED** that the OPENING MOTIONS and/or NOTICES OF DEFENSE
7 shall be filed and served by **OCTOBER 26, 2018 at the hour of 4:00**
8 **p.m.**

9 **IT IS FURTHER ORDERED** that RESPONSES to said Pre-Trial Motions
10 and/or NOTICES OF DEFENSE shall be filed and served by **DECEMBER 7,**
11 **2018 at the hour of 4:00 p.m.**

12 **IT IS FURTHER ORDERED** that OPTIONAL REPLIES to said Pre-Trial
13 Motions and/or NOTICES OF DEFENSE, and/or RESPONSES shall be filed
14 and served by **DECEMBER 19, 2018 at the hour of 4:00 p.m.**

15 **IT IS FURTHER ORDERED** that the counsel for parties shall be
16 available at the Court's convenience for a Court hearing and/or
17 telephone conference call in the event that the Court requires
18 further clarification of any issue regarding an Extension of Time for
19 the filing of any Pre-Trial Motion and/or Notice of Defense.

20 **IT IS FURTHER ORDERED** that any further Extensions of Time of the
21 shall be considered only upon a showing of GOOD CAUSE and convenience
22 of the Court, pursuant to the Speedy Trial Act and in conformance
23 with Local General Order 2007-4.

24 **DATED** this 5th day of OCTOBER, 2018.

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JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE